

# OFFICE OF THE ATTORNEY GENERAL

86-00026



CHARLES A. GRADDICK  
ATTORNEY GENERAL  
STATE OF ALABAMA

OCT 25 1985

JAMES R. SOLOMON, JR.  
DEPUTY ATTORNEY GENERAL  
  
WILLIAM M. BEKURS, JR.  
EXECUTIVE ASSISTANT  
  
WALTER S. TURNER  
CHIEF ASSISTANT ATTORNEY GENERAL  
  
JANIE NOBLES  
ADMINISTRATIVE ASSISTANT

ADMINISTRATIVE BUILDING  
64 NORTH UNION STREET  
MONTGOMERY, ALABAMA 36130  
AREA (205) 834-5150

Mr. Richard Simmons  
Executive Secretary  
State of Alabama Board of  
Heating and Air Conditioning  
Contractors  
P. O. Box 7301  
Birmingham, Alabama 35253

Heating and Air Conditioning  
Contractors Board - Licenses and  
Permits

Heating and Air Conditioning Con-  
tractors Board has no discretion  
to grandfather a person who has  
not complied with the two require-  
ments of Code of Alabama 1975,  
§ 34-31-28(b).

Dear Mr. Simmons:

Attorney General Graddick is in receipt of your request  
for an opinion addressing the following question:

What discretion, if any, does the State  
Board of Heating and Air Conditioning  
Contractors have to grandfather under  
Code of Alabama 1975, § 34-31-28(b), a  
person who was engaged in the business of  
installing heating and air conditioning  
systems for at least two years prior to  
May 4, 1982, but who did not register  
with the board prior to May 4, 1983?

Code of Alabama 1975, § 34-31-28(b), provides as follows:

Mr. Richard Simmons  
Executive Secretary  
State of Alabama Board of  
Heating and Air Conditioning  
Contractors

Page 2

(b) all persons engaged in the business of installation for a period of at least two years prior to May 4, 1982, shall have a 12 month period following the enactment of sections 34-31-18 through 34-31-34 to register with the board for certification. Such persons shall not be required to stand for an examination, but shall pay the same renewal fees which are charged all other certified contractors. Persons herein certified shall be authorized to perform service and repairs without having to register as a service and repair contractor as provided in subsection (c) hereof.

This subsection makes it clear that there are two requirements for grandfathering by the board. A person must have been engaged in the business of installation for a period of at least two years prior to May 4, 1982, and a person must register with the board for grandfather certification by May 4, 1983. § 34-31-28(b) gives the board no authority to grandfather a person who has not met these two requirements. Accordingly, it is our opinion that the board has no discretion to grandfather under § 34-31-28(b), a person who was engaged in the business of installing heating and air conditioning systems for at least two years prior to May 4, 1982, but who did not register with the board prior to May 4, 1983.

Sincerely,

CHARLES A. GRADDICK  
ATTORNEY GENERAL

BY:



WILLIAM D. LITTLE  
ASSISTANT ATTORNEY GENERAL

CAG/wdl/s